

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:05CV91

JOYCE RIGGS, et al.,)	
)	
Plaintiffs,)	
)	
Vs.)	<u>O R D E R</u>
)	
DAYCO PRODUCTS, INC., et al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on the Defendants' statement regarding reinstatement of insurance coverage.

The Court notes that the Plaintiffs have not yet moved for class certification. However, the Defendants have appealed the grant of a preliminary injunction. *Independence Party of Richmond County v. Graham*, 413 F.3d 252 (2d Cir. 2005) (immediate appeal of a preliminary injunction permitted by 28 U.S.C. § 1292(a)(1)); *Matos v. Clinton Sch. Dist.*, 367 F.3d 68 (1st Cir. 2004). As a result, the Court will require the parties to disclose whether they seek a stay of this action pending appeal.

IT IS, THEREFORE, ORDERED that the Plaintiffs shall respond on or before 15 days from entry of this Order whether they request any additional relief in connection with the Defendants' statement regarding reinstatement; and

IT IS FURTHER ORDERED that the parties shall respond on or before 15 days from entry of this Order whether they seek a stay of this action pending appeal.

Signed: August 5, 2005



Lacy H. Thornburg
United States District Judge

